



## Permits for Archeological Investigations

### 2. Information for Applicants

#### Introduction

This section of the Permit guidance describes the application process for a Permit for Archeological Investigations ("Permit") and the applicant's responsibilities. The applicant is advised to read all of this section, as well as the overview, prior to preparation of a Permit application.

A Permit is required for any archeological investigations carried out on parklands by non-NPS personnel, unless carried out under a contract or a cooperative agreement specifically written for archeological investigations. Permits are issued under the Archaeological Resources Protection Act of 1979 (ARPA) or the Antiquities Act of 1906 or **both**.

A Permit is a legal document that defines the scope and methodology of the permitted archeological work and specifies the conditions for suspending the project. Thus, a Permit can be, and is, used in court to establish elements of cultural resource laws violations, should they occur.

When individuals conduct archeological activities or otherwise disturb archeological resources on NPS lands without a valid Permit, they are in violation of ARPA (16 U.S.C. 470ee, ff, gg), the Antiquities Act (16 USC 433), and other statutes concerning federal or federally-controlled property. They are subject to **criminal and/or civil penalties**, as well as forfeiture of personal property and looted artifacts. ARPA and its regulations detail the requirements for obtaining a Permit .

Individuals, academic institutions, and businesses that are proposing to conduct archeological field investigations on parklands must first apply for and obtain a Permit.

The NPS web site provides [contact information](#) for national parks and national park staff.

#### Applicants: Applying for a Permit

It is important that Permit applicants contact the park manager where they propose to carry out the archeological investigations with a preliminary proposal to determine whether the project is appropriate, and to determine which permits they need. If a project will impact an archeological resource listed or eligible to be listed in the National Register of Historic Places, then compliance with specific provisions of the National Historic Preservation Act (NHPA), [Section 106](#), and/or the [National Environmental Policy Act](#) (NEPA), (specifically, an Environmental Assessment) is also required.

Park managers may direct the applicant to discuss the proposed work with park staff, particularly the park archeologist or the cultural resource manager, or other NPS archeologists. NPS will not

grant a Permit for a larger area than the applicants can reasonably be expected to explore fully and systematically within the time period established in the Permit (16 U.S.C. 470cc ). Projects do not exceed three years in duration; multi-year projects are reviewed annually (43 CFR 7.9(g)).

If the proposed area of study includes public lands managed by other federal agencies, or state, local, or tribal lands that are managed by the NPS, additional permits may be necessary. It is the responsibility of the applicant to obtain any authorizations necessary to carry out archeological investigations on these lands in writing, and to submit a copy of the authorization with the project proposal to the NPS.

Applicants should also discuss curation of archeological collections resulting from the proposed project with park personnel. If the park does not have facilities for appropriate storage of archeological materials, alternate curatorial facilities must be approved by the park manager. The applicant will work closely with the curatorial staff to ensure that any collections resulting from the archeological investigations are entered in the NPS cataloging system, ANCS+, in a timely manner. Special conditions pertaining to curation of objects and associated records may be attached to the issued Permit.

#### **Applicants' Permit Responsibilities**

Applicants must take permit requirements and conditions into account when planning the scope of work and budget of a proposed project.

Individuals and organizations who obtain a Permit to work on parklands must meet the following requirements:

- The applicant is qualified to carry out the permitted activity (43 CFR 7.8 (a)):
  - A graduate degree in anthropology or archeology, or equivalent training and experience;
  - The demonstrated ability to plan, equip, staff, organize, and supervise activity of the type and scope proposed;
  - The demonstrated ability to carry the project to completion, as evidenced by the timely completion of theses, research reports, or similar documents;
  - Completion of at least 16 months of professional experience and/or specialized training in archeological field, laboratory, or library research, administration, or management, including at least 4 months experience and/or specialized training in the kind of activity the individual proposes to conduct under authority of a Permit;
  - Applicants proposing to engage in historical archeology should have had at least one year of research concerning archeological resources of the historic period. Applicants proposing to engage in prehistoric archeology should have had at least one year of experience in research concerning archeological resources of the prehistoric period.
- The activity is undertaken for the purpose of furthering archeological knowledge in the public interest.
- The activity is consistent with park management plans.

- All necessary information and support for completion of required compliance with Section 106 of NHPA, and preparation of an NEPA Environmental Assessment is supplied to the park manager.

The successful applicant must adhere to the Standard Conditions of the Permit and any special Conditions specified by the park where the project is to take place. The successful candidate must also agree to the following conditions:

- **Fieldwork**
  - Investigations shall not take place outside of the project area boundaries as defined in the Permit.
  - Investigators must obtain any additional permits needed to carry out investigations on state, tribal, or other federal agency lands that are managed by the NPS.
  - Investigators must use site forms of archival quality authorized by the NPS. Field records are kept on acid-free paper, with archival-appropriate writing implements. Digital photographic records contain appropriate meta-data, and an accurate field photograph log is maintained.
  - Investigators must contribute information about park archeological sites to the Archeological Sites Management Information System (ASMIS). This is the NPS standardized database for the inventory, registration, and management of park prehistoric and historic archeological sites.
  - Investigators must restore lands to the park manager's satisfaction upon completion of work ([43 CFR 3.11](#)).
  - Investigators must comply with Occupational Safety and Health Administration (OSHA) standards for excavation.
  - Investigators who discover human remains must notify the park manager immediately, cease activity in the area of the discovery, and secure the area. Investigators must comply with park managers' directives for further action pertaining to the discovery of the human remains, in compliance with "Guidance for NPS Compliance with the Native American Graves Protection and Repatriation Act (NAGPRA), [NPS Cultural Resource Management Guideline, Appendix R](#).
  - If, as part of an excavation or inadvertent discovery, Native American human remains or NAGPRA-related items are disinterred, scientific archeological methods, techniques, analyses, and reports are conducted as required by ARPA and Section 3 of NAGPRA ([NPS Cultural Resource Management Guideline, Appendix R](#)).
- **Collections management**
  - The archeological resources that are excavated or removed from public lands will remain the property of the NPS.
  - The applicant must fund accessioning and cataloging collections resulting from the permitted activities ([DO 24 - 4.3.16](#)), according to NPS standards.
  - If the park manager and the investigator agree that the investigator will catalog the archeological materials that result from the project, investigators must use NPS forms and databases for cataloging and accessioning material remains ([ANCS+](#)).

- Material remains and original associated archeological records will be preserved in a suitable curatorial facility ([scroll to page A:3](#) in Mandates and Standards for NPS Museum Collections), that is approved by the park manager.
- Custody of any Native American human remains or cultural items subject to the Native American Graves Protection and Repatriation Act (NAGPRA), ([25 USC 3001-3013](#)), removed from public lands or Indian lands, shall be determined in accordance with NAGPRA and NAGPRA regulations ([43 CFR 10](#)).
- **Reports and products**
  - The investigator will submit a preliminary report within 6 weeks of completion of the fieldwork to the regional director or an NPS employee designated by the regional director.
  - The investigator will submit three copies of the final report within 6 months of completion of the project to the NPS. One copy is retained by the regional director; one copy is retained at the park where the project took place; and one copy is retained by the curatorial facility holding the material remains and associated records.
  - Investigators work with the park or other NPS archeologist to determine the best means to provide applicable data for ASMIS.

#### **Preparing a Permit Application**

Applicants should submit a Permit Application (DI Form 1926 (Rev Sept 2004) OMB No. 1024-0037, approved through 1/31/2008) (Permit application form is available in either [Word](#) or [pdf](#) format) to the manager of the park in which they propose to work; or to the regional director, with a copy to the park manager.

The required elements for a Permit application are found under [43 CFR 7.6](#) (b,c). In general, an application requires the following information:

- **Statement of Work:** A description of the purpose, nature, and extent of the work proposed, including how and why it is proposed to be conducted (include research design, methods, curation, collection strategy, and reporting plan);
- **Statement of Applicant's Capabilities:** Evidence of the ability to carry out the proposed scope of work; including detailed information about logistical support and laboratory facilities, with information about location(s) and description of facilities and equipment; organizational structure and staffing; and equipment and staff to be involved in the proposed work;
- **Statement of Applicant's Past Performance:** Organizational history in completing the kind of work proposed, including similar past projects, government contracts, federal permits (previously held, currently in force with effective dates, and currently pending or planned, by agency and region/state), reports and/or publications resulting from similar work, and any other pertinent organizational experience;
- **Curriculum vitae for Principal Investigator(s) and Project Director(s):** A curriculum vitae or similar resume or summary of education, training, and experience in the kind of work proposed and in the role proposed;

- Other Authorization: Written consent by state or tribal authorities to undertake the activity on state or tribal lands that are managed by the NPS, if required by the state or tribe;
- **Curation Authorization:**
  - A statement from the park -- or other NPS curatorial facility -- curator attesting to the facility's willingness to accept any material remains and associated original records, consisting of records, data, photographs, and other documents generated under the Permit; or
  - If the park does not have facilities to curate a resulting archeological collection, written certification, signed by a properly authorized official of the proposed curatorial facility, attesting to the facility's capability and willingness to accept any material remains and associated records generated under the Permit, and capacity and willingness to assume permanent curatorial responsibility for such materials on behalf of the federal government pursuant to regulations for curation of federally-owned and administered archeological collections ([36 CFR 79](#));
  - If the project is to take place on tribal lands that are managed by NPS and the Indian tribe or the Indian owner(s) do not wish to take custody of material remains and associated records that are generated by the project carried out under the Permit, written consent from the Indian tribe or the Indian owner to curate materials, pursuant to [Bureau of Indian Affairs regulations pertaining to protection of archeological resources](#);
- **Detailed Schedule of All Project Activities**, including data entry, if requested by the park (ASMIS and ANCS+), and completion of final reports.
- **Additional information:** Regional directors and park managers may also require applicants to participate in consultations with tribal authorities.

Additional guidance on planning an archeological project on federal parklands can be found in the Secretary of the Interior's [Standards for Archeological Documentation](#).

### **Submitting a Permit Application**

Applications for a Permit must be submitted at least 60 business days before field activities are proposed to begin. Send two copies of the complete proposal and all attachments to the office designated by the NPS regional director and a copy to the park manager. [Regional office addresses](#) are available on the NPS web site or from the **NPS Public Affairs Office, 1849 C Street, NW, Room 7012, Washington, DC 20240, telephone (202) 208-4747**.

### **Applicants: Review of Your Application**

The decision to issue a Permit is made by the regional director for the national park in which the project is to be conducted. The Permit may be denied if the application does not meet Permit requirements. (See [43 CFR 7.8 Issuance of Permits](#)).

Before issuing a Permit, the regional director verifies that:

- The applicant is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable appropriate competence.
- The proposed work is to be undertaken for the purpose of furthering archeological knowledge in the public interest.
- The proposed work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of the park. This includes a plan for documentation of newly discovered sites and revisited sites, including protocols for ASMIS recordation.
- Written consent has been obtained for work proposed on state, tribal, or other federal agency lands managed by the NPS.
- Necessary compliance with cultural resource laws and regulations is addressed.
- Written confirmation has been obtained from the curatorial facility that will accept the resulting collections and associated records.
- Written confirmation has been obtained that the curatorial facility is in compliance, or working toward compliance, with provisions of regulations for federally-owned and administered archeological collections (36 CFR 79).
- The applicant has certified that, not later than 90 days after the date that the final report has been submitted to the NPS, all material remains and associated records resulting from work conducted under the requested Permit will be delivered to the curatorial facilities as named in the Permit application.

If the archeological project is anticipated to impact a site that is listed or eligible for listing in the National Register of Historic Sites or if the project involves archeological excavations, compliance with Section 106 of NHPA or NEPA is needed. The park manager will consult with the appropriate historic preservation officer about required compliance. If compliance procedures are required, the applicant will be requested to prepare background documentation.

If necessary, the regional director notifies the leadership of affected Indian tribes of possible harm to, or destruction of, sites having religious or cultural importance. Tribes have 30 days to respond to the notification (43 CFR 7.7). Depending on the response, further consultation may be required that may affect the timing and conditions of the issuance of the Permit.

The regional director has 60 days to review a Permit application. If the application does not meet qualifications and standards for issuing a Permit for Archeological Investigations, the regional director must deny the application for a Permit in writing. Depending on the nature of the denial, such as a conflict with other events in the park, or because of an incomplete application, the regional director may invite the applicant to submit a revised proposal. If the proposal conflicts with the park's management plan, the regional director will not encourage the applicant to re-submit an application. The regional director must send copies of all letters to the applicant to the park manager.

Permittees who have failed to meet the conditions of a previous Permit, such as failure to submit preliminary, annual, or final reports; failure to deliver archeological collections to repositories; or

failure to deliver electronic data will not be issued additional Permits until the conditions of the previous Permit are met.

### **Applicants: Receiving a Permit**

If the application for a Permit is approved, the regional director or the regional director's designee sends a copy of the Permit to the applicant, and a copy of the Permit to the park Manager.

The Permit specifies the nature and condition of the work, based, in part, on the information submitted in the application. The investigator should check the Permit for accuracy. The Permit will include:

- The name(s) of the qualified individual(s) responsible for conducting the work and the name(s) of the qualified individuals responsible for carrying out the terms and conditions of the Permit;
- The scope of the project
  - Description of the purpose, nature, and extent of the work proposed, including how and why it is proposed to be conducted (include research design, methods, collecting strategy, curation plan);
  - The location of the project;
  - The nature and extent of work that is allowed under the Permit, including the beginning and ending dates of the fieldwork, dates of submission of ASMIS and ANCS+ data, and submission dates for preliminary and final reports;
- The name of the park repository or qualified non-federal repository where any collected materials, data, and associated records will be deposited;

The Permit will stipulate:

- Requirements for compliance with NHPA, NEPA, or other federal authorities, if needed.
- The number of reports or products of the project and the deadlines for submission of draft and final products (This includes ASMIS records, or field data to create ASMIS records, and ANCS+ records);
- Plans for Discovery of Human Remains: A written plan of action is required in the event that there is an inadvertent discovery of Native American human remains, intentional excavations of Native American human remains, or both ([NPS Cultural Resource Management Guideline, Appendix R](#)). The park manager will provide any existing park-specific plans for the inadvertent discovery or intentional excavation of human remains.
- Any terms and conditions requested by tribes and agreed to by the NPS;
- Any terms and conditions requested by states and agreed to by the NPS;
- Terms and conditions to protect public safety, or to limit work areas or activities to those consistent with legitimate land uses (such conditions may also be considered under other NPS permits);

- Requirements to restore lands to the satisfaction of the NPS park manager upon completion of the fieldwork;
- Additional terms and conditions listed in the Special Conditions Permit stipulations as required by the park manager and regional director:
  - The park manager ensures that concerns of park personnel are incorporated in the scope of work;
  - Regional directors and managers may require applicants to participate in consultations with tribal, state, or other authorities.

**Applicants: Other NPS Permits that May be Needed**

After a Permit to conduct archeological investigations is issued, the park manager may still require additional permits before fieldwork may begin. The applicant should check with the park manager for guidance on other permits that may be needed. Examples of additional permits that may be required include:

- Permits to enter restricted areas such as backcountry or designated wilderness.
- A Scientific Research and Collecting Permit, if the archeological work involves sampling of natural resources not directly associated with an archeological site. Some parks may require a Scientific Research and Collecting Permit when the proposed archeological investigation involves the collection of cultural resources, natural resources, or both.

**Applicants: Conducting Archeological Investigations on National Parklands**

Initiation of the fieldwork signifies the applicant’s acceptance of Permit conditions (43 CFR 7.9 [a] 4 [d, e, f]). The Permit is a binding contract; the permittee will not be released from this contract until all obligations are satisfied, even if the time period of the Permit has expired.

Archeological fieldwork on national parklands must be conducted only in accordance with the terms and conditions set out in the Permit. The Permit should be kept secure. A copy must be kept on site and shown to NPS staff when requested.

If new sites are discovered, the permittee must gather appropriate data for inclusion in ASMIS in order to create a complete, accurate, and reliable site record. The permittee must provide information for the required fields in ASMIS that are obtainable in the field, e.g., Site Discovery date; Site type; Site Condition Assessment and Date; Depositional Integrity Assessment and Date; Site Disturbance Severity Level; Threat and Disturbance Types and related information; Site Area; locational information, preferably GPS for maximum accuracy; General Time Period; and Cultural History. The permittee must be familiar with each of the ASMIS fields and the definitions for all values as provided in the most recent ASMIS Data Dictionary. The permittee must use the site form provided by the park or other NPS archeologist to document the pertinent information. The permittee must enter the data into a copy of the ASMIS database structure, if so required in the Permit conditions.

If existing sites are visited, the permittee must gather appropriate data for updating the existing site record in ASMIS in order to maintain its completeness, accuracy, and reliability. In particular, a reassessment of the Site Condition, Depositional Integrity, Site Disturbance Severity Level, and Threat and Disturbance Types, and Site Area must be provided. Updated locational information, preferably by GPS for maximum accuracy, also must be provided.

If archeological materials are to be removed from the park at the completion of the field phase of the project, the permittee must obtain a loan agreement receipt for property from the park curator (or designee) acknowledging possession of federally-owned or administered property that must be returned to the park or to the curatorial facility after analysis and the report are complete.

#### **Applicants: Discovery of Human Remains**

Any time that If human remains are discovered, either during excavation or survey, the plan developed by the park to respond to these circumstances is followed. If no plan exists, the permittee ceases all work and immediately notifies the park manager of the discovery. Work stoppage is specific to the area where the human remains are encountered.

#### **Native American Human Remains**

If excavation of Native American human remains during the permitted project was anticipated, the Permittee will follow the procedures in the written Plan for Intentional Excavation of Native American Human Remains provided in the Permit. Project work may continue in accordance with the written programmatic plan previously formulated by the park unit in consultation with Native American tribes and made a part of the conditions of the Permit.

If the discovery of Native American human remains during the permitted project was not anticipated, the permittee will follow procedures in the Plan for Unanticipated Discovery of Native American Human Remains provided in the Permit.

In the absence of a programmatic plan, permitted activities may be resumed 30 days after tribes have been notified (25 U.S.C. 3002(d)). During the 30 day work stoppage, permittees should coordinate their activities with NPS in order to avoid harm to Native American human remains and other cultural items that are protected under NAGPRA (25 U.S.C.3001, Definitions).

If, as part of an excavation or inadvertent discovery, Native American human remains or NAGPRA-related items are disinterred, scientific archeological methods, techniques, analyses, and reports are conducted as required by ARPA and Section 3 of NAGPRA (NPS Cultural Resource Management Guideline, Appendix R).

#### **Non-Native American Human Remains**

If the human remains are determined to be non-Native American, NAGPRA does not apply. In that case, the park manager will confer with law enforcement officials, the county or State coroner, and/or the medical examiner to determine the appropriate course of action. As the location of the

human remains is a potential crime scene, the permittee ceases all work immediately upon discovery, and does not begin work again until notified by the park manager.

#### **Applicants: NPS Inspections**

The regional director is responsible for ensuring that inspections occur during the field and laboratory phases of a permitted project to determine whether the project is in compliance with stipulations of the Permit. These inspections are conducted by NPS archeologists. During the inspection, the NPS archeologist and, if feasible, by the NPS curator, verifies that:

- A copy of the Permit is on site at all times;
- Responsible parties identified in the Permit are present and are performing the roles identified in the Permit;
- The investigators are maintaining accurate field documentation, including ASMIS data and locational data, preferably in GPS;
- The investigators are maintaining a photographic log containing information on each photograph taken, including full provenience information, date, and aspect;
- The investigators are maintaining a field specimen log;
- The investigators are drafting a series of maps containing detailed information on the location of archeological investigations, the location of individual archeological test units, significant profiles, and floor plans;
- The investigators are maintaining provenience integrity by placing associated objects into common containers, and separating objects of different provenience into separate containers, all of which are clearly marked.
- Compliance requirements established through consultation with the SHPO or ACHP are being addressed.
- The activities are in compliance with other NPS permits.

The appointed NPS archeologist or curator should also monitor project-related laboratory activities. Laboratory inspection includes verification that all of the NPS standards for collections management outlined in *Curation of Federally-Owned and Administered Archaeological Collections* ([36 CFR Part 79](#)) and the [NPS Museum Handbook](#), and other NPS region-specific guidelines are met to ensure proper management and security of the collection.

#### **Applicants: Preparing Reports and Products**

Results of archeological investigations on parklands must be accessible to a broad range of users, including federal, tribal, state, and local agencies, the professional community, and the general public. Results must be communicated in reports that summarize the objectives, methods, techniques, and results. Information relating to curation, such as any on-site conservation of items, ANCS+ catalog records, name of the curatorial repository, and collection accession numbers should also be included in the final report in order that additional detailed information can be obtained, if necessary. Information about specific site locations and other site information that would endanger

the integrity of the archeological resource, if generally available, should be reported in a manner that allows the park manager to withhold that information.

The regional director and park manager are responsible for approving all deliverables for conformance with the Permit terms and conditions. Typically, the technical review is carried out by NPS archeologists and other experts, who review reports for clarity, proof of fulfillment of the conditions of the Permit, completion of any regulatory requirements, and results, and who make recommendations to the regional director about accepting the report. Reports should be a clean, edited document, and must be consistent with the Secretary of the Interior's Standards for Archeological Documentation.

Any comments or requests for revision will be communicated to the permittee in writing and in a timely manner. Upon completion of the project and after all reports and/or products, such as field forms, ASMIS site records, or the field data to create ASMIS site records, have been submitted and accepted, the regional director sends a letter to the applicant and park manager stating that the conditions of the Permit have been met.

#### **Preparation of a Preliminary Report**

Within 6 weeks of completion of the field component of the project, the permittee must submit a preliminary report to the regional director. The report should describe the fieldwork, including accomplishments, methods used to accomplish the work, names of individuals that carried out the fieldwork, maps, any GPS data, completed ASMIS forms for any newly recorded archeological sites, and any professional recommendations.

When a fieldwork episode involved only minor work and/or minor findings, a final report may be submitted in place of the preliminary report.

#### **Preparation of an Annual Report**

In the event that the Permit extends for more than 1 year, the NPS requires an annual progress report by the permittee. The report must detail the extent of work accomplished to date, and how much work remains to be carried out. . The Permit will be reviewed on a yearly basis following the submission of the annual report to ensure that the project is meeting deadlines and goals (43 CFR 7.9(g)).

#### **Preparation of the Final Report**

Standard permit conditions require that within 6 months of completion of the field component of the project, the permittee must submit a final report for review by the regional director. The applicant is advised to submit a draft report ahead of time, and allow time for revisions based on reviews by NPS personnel. If analysis is expected to take longer than six months, the regional director may authorize an extension for submission of the final report.

The final report must be consistent with information in field notes, photographs, and other materials (see the [Secretary of the Interior's Standards for Archeological Documentation](#) and 36 CFR 79 for additional guidance) and include:

- Description of the study area;
- Relevant historical documentation/background research;
- Research design;
- Field studies as actually implemented, including any deviation from the research design and the reason for the changes;
- Field observations, including the number of new sites that are discovered and identified sites that are revisited;
- Analyses and results, illustrated as appropriate with tables, charts, photographs, and graphs;
- Evaluation of the investigation in terms of the goals and objectives of the investigation;
- Recommendations for updating interpretive and management materials;
- Recommendations for on-going or proposed treatment activities, such as structural documentation, stabilization, etc.;
- Name and location of facility curating material remains and associated records; and
- Accession numbers.

If the actual methods differed from those proposed, the reasons for these differences should be included in the report.

The final report is a public document and cannot be copyrighted. Information compiled in the final report may be used by the NPS for cultural resource management purposes. Information collected during the research project, however, may be used by permittees in other publications that can be copyrighted. However, the permittee must not publish, without the prior permission of the regional director, any locational or other identifying archeological site information that could compromise the government's protection and management of archeological sites (Permit, Standard Permit Conditions 15.x).

### **Artifact and Document Storage**

Artifacts and records from the archeological investigations on federally owned parklands are the property of the United States ([43 CFR 7.8](#)). Material remains and associated records must be delivered to the appropriate official of the institution responsible for curation no later than 90 days after the final report is submitted to the regional director ([43 CFR 7.8.7](#)).

### **Applicants: Amendment and Extension of Permits**

Any significant change in the project after the issuance of the Permit, such as a change in the scope of the investigation, replacement of the Principal Investigator, or change in the curatorial facility, requires an amendment to the Permit. The permittee is responsible for notifying the regional

director in writing of changes and for requesting amendments to the Permit. The permittee risks suspension or revocation of the original Permit as well as permission to carry out the project, if the regional director is not notified of changes and a Permit amendment is not issued.

When the terms of the fieldwork component of the Permit have been met and the permittee requests an extension of time, the Permit may be extended for proper cause. The request for an extension must be submitted to the regional director in writing and must include a detailed explanation for the failure to complete the project in the time allotted by the Permit. The regional director reviews the request. If an extension is approved, the regional director will issue an amended Permit with revised dates for project completion.

### **Applicants: Enforcement, Suspension, and Revocation of Permits**

Regional directors are responsible for enforcing Permits and have the authority to suspend or terminate a Permit (for enforcement of Permits issued under ARPA, see [43 CFR 7.10, Suspension and Revocation of Permits](#)). Regional directors rely on information provided to them by park managers and park staff, who have responsibility for monitoring cultural resource activities on parklands.

In the event of a suspension or revocation of a Permit, the regional director sends a notice to the permittee, stating the nature of and reason for suspension or revocation.

A Permit may be **suspended** by the regional director for the following reasons:

- The NPS finds that the permittee failed to meet any of the terms and conditions of the Permit or has violated any of its prohibitions ([43 CFR 7.10 \(a\) 1](#)).
- Continuation of the permitted work conflicts with decisions regarding park management that were not in effect when the Permit was issued ([43 CFR 7.10 \(b\)](#)).

The project may continue when the terms of the Permit have been met or when the conflict has been resolved.

A Permit may be **revoked** by the regional director for the following reasons:

- The permittee is convicted of a civil or criminal infraction under Section 6 of ARPA or assessed a civil penalty under Section 7 of ARPA ([16 U.S.C.470ee](#)).
- The permittee fails to correct the situation for which a Permit was suspended ([43 CFR 7.10 \(a\) 2](#)).
- Continuation of the permitted work conflicts with decisions regarding park management that were not in effect when the Permit was issued ([43 CFR 7.10 \(b\)](#)).

### **Applicants: Appeals, Reviews, and Disputes**

Any affected person may request a review by the Department of the Interior Departmental Consulting Archeologist (DCA) of any professional issues involved in a bureau permitting decision, such as professional qualifications, research design, or other professional archeological matters. The DCA makes a final professional recommendation to the Director of the NPS to consider in making a final decision about the adjudication of the matter (43 CFR 7.36).

Any affected person, an applicant or permittee, may appeal a denial, modification, suspension, revocation, or the inclusion of specific terms and conditions of a Permit to the regional director. The disputant may appeal a regional director's appeal decision to the Director of the NPS. (Further guidance on appeals and disputes may be found at 43 CFR 7.11 & 7.36 (a)-(c).)

The regional director's decision shall stand during the appeals process. The NPS Director's decision is the final administrative decision on appeals.